

CITY OF COQUITLAM

BYLAW NO. 3214,1998

Consolidated with amendments in Bylaw 4080, 2009.

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A Bylaw to regulate the construction and maintenance of boulevards in the City of Coquitlam

WHEREAS

- A section 542 of the Municipal Act, R S B C 1996, c 323, as amended (the "Municipal Act") permits Council for the City of Coquitlam (the "City") to, by bylaw,
- (a) regulate the construction and maintenance of boulevards by or on behalf of the owners of land fronting on them,
 - (b) require the owner or occupier of real property to remove snow, ice or rubbish from sidewalks and foot paths bordering the property or from the roof or other part of a structure adjacent to a highway,
 - (c) require the owners of private highways to maintain them in a clean, fit and safe state and to affix suitable private thoroughfare signs,
- B Council deems it expedient to exercise its authority under section 542 of the Municipal Act,

NOW THEREFORE, COUNCIL FOR THE CITY in open meeting assembled, HEREBY ENACTS AS FOLLOWS

1 Name of Bylaw

This Bylaw may be cited for all purposes as the "City of Coquitlam Boulevard Maintenance Bylaw No 3214, 1998"

2 Repeal of Existing Bylaw

City of Coquitlam Boulevard Maintenance Bylaw No 2350, 1991 and all amendments thereto are hereby repealed in their entirety and this Bylaw substituted therefore

3 Definitions

In this Bylaw, the following words will have the meanings ascribed to them in this Section

- (a) "Authorized Person" means any officer, employee or agent of the City authorized by this or any other bylaw of the City to enforce this Bylaw,
- (b) "boulevard" means the area from the edge of pavement or curb of a highway, or where there is no pavement or curb from the edge of the traveled portion of the highway, to the property line,
- (c) "highway" means
 - (i) any public street, road, way, trail, lane, bridge, trestle and any other public way, pursuant to the definition in the Highway Act, R S B.C 1996, c 188, as amended,
 - (ii) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and
 - (iii) every private place or passageway to which the public for the purpose of the parking or servicing of vehicles, has access or is invited.
- (d) "noxious weeds" has the meaning ascribed to it in the Weed Control Act, R S B C , c 487, as amended,
- (e) "private highway" means any street, road, way, trail, lane, bridge, trestle or other way over real property that is traveled by members of the public, whether on foot or by vehicle or cycle, that has not been dedicated as a highway either by deposit of a plan in the land title office or established by notice in the British Columbia Gazette;
- (f) "sidewalk" means every structure designed primarily for pedestrian use, including, without limitation, a sidewalk, walkway, stairway, ramp or curb letdown, and any customarily traveled footpath, including without limitation, any footpath made of gravel, asphalt, limestone, dirt or other material and the unpaved edge adjoining any asphalt road surface where no finished sidewalk exists,

4 Snow and ice removal

Every owner or occupier of real property is required to

- (a) remove or cause to be removed any snow or ice from any sidewalk bordering the real property within ten (10) hours after the time when the snow or ice became present on the sidewalk regardless of whether the snow or ice became present on the sidewalk by natural, human, mechanical or other means,

- (b) remove snow or ice from the roof or other part of any structure on the property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway, within 10 hours of the cessation of any snowfall or ice storm that caused any accumulation of snow or ice on any roof or other part of any structure,

5 Rubbish removal

5.1 Every owner or occupier of real property is required to immediately remove any rubbish from any sidewalk bordering the real property

5.2 Without in any way restricting the generality of the word "rubbish", any one or more of the following items may constitute "rubbish" thereby requiring removal pursuant to section 5.1

- (a) accumulations of soil, leaves, grass clippings, branches, twigs and other vegetation or landscape materials,
- (b) litter of any kind,
- (c) garbage, other than that which is properly placed on the sidewalk or highway pursuant to the garbage collections requirements of the City,
- (d) compost materials, with particular reference to lanes where such materials may encroach onto the boulevard or sidewalk,
- (e) any other objects that would reasonably pose a hazard to anyone using the sidewalk

6 Boulevard construction

No owner of real property adjacent to a boulevard will nor will that owner permit any occupier of the real property to

- (a) construct any structure on the boulevard, including, without limitation, any fence, wall, retaining wall or rockery,
- (b) erect any signage,
- (c) plant any tree, hedge, bush or shrub on the boulevard which, when fully grown, will or is likely to have a height in excess of one metre or be likely to partially or wholly obstruct access to any sidewalk by pedestrians or prevent or inhibit the safe use of the highway by vehicular and cycle traffic,
- (d) otherwise landscape the boulevard in a manner that will or be likely to

obstruct access to any sidewalk by pedestrians or prevent or inhibit the safe use of the highway by vehicular and cycle traffic,

without the prior written consent of the City, which consent is within the City's sole discretion to issue or withhold

7 Boulevard maintenance

7 1 Subject to section 9 of this Bylaw, an owner of real property adjacent to a boulevard will ensure that any landscaping on the boulevard, whether planted by the owner, a previous owner, an occupier or previous occupier of the real property, or by the City, is maintained to a standard that a reasonable property owner would use in the care of his or her landscaping on his or her own property

7 2 Without in any way restricting the standard of maintenance required by section 7 1, an owner of real property adjacent to a boulevard will ensure that

- (a) all trees, shrubs, bushes, hedges, grass or other vegetation, other than noxious weeds, on the boulevard receive such water as is necessary for the sustained growth and health of that vegetation;
- (b) no noxious weeds are permitted to grow on the boulevard,
- (c) any grass on the boulevard is not allowed to exceed 15 centimeters in height,
- (d) no pesticides are used on the boulevard,
- (e) , where the boulevard contains rocks, gravel, pebbles, bark mulch or other loose landscaping or surfacing materials, none of those materials is allowed to escape from the landscape design and fall onto any sidewalk or highway;
- (f) no hazardous or potentially hazardous situations are allowed to develop or remain once detected by reasonable inspection

8 Private Highway Maintenance

Any owner of real property through which a private highway passes, must keep that private highway in a clean, fit and safe state at all times and must affix traffic signage sufficient to ensure that users of the private highway can apply all of the standard rules of the road set by the Motor Vehicle Act, R.S B.C 1996, c 318, as amended

9 Prohibitions

9 1 No person may willfully damage

- (a) boulevards, trees, shrubs, plants, bushes and hedges;
- (b) fences; or
- (c) highway lighting;

adjacent to a highway and where such damage occurs, will be subject to the penalties provided for in this Bylaw.

- 9 2 No person will dispose of any vegetation cuttings, rubbish, discarded materials or any liquid or solid waste on any boulevard or highway
- 9 3 Notwithstanding the requirement to maintain landscaping on the boulevard pursuant to section 7 1, no person may cut down or prune any tree, shrub, bush or hedge on any boulevard without first obtaining the written consent of the City to do so

10. Right of Entry

Any officer, employee or agent of the City authorized by this or any other bylaw of the City to enforce this Bylaw (an "Authorized Person"), may enter at all reasonable times on any property in the City to ascertain whether the requirements of this Bylaw are being met or the regulations are being observed

11 Notice of Non-Compliance

An Authorized Person may by oral notice given to an occupier of the real property apparently over the age of 16 or by written notice sent by registered mail to the registered owner of the real property or the occupant require the owner or, where applicable, the occupant, to comply with this Bylaw within the time specified in the notice

12 City Effects Compliance

- 12 1 If the owner or occupier of real property fails to comply with a notice given pursuant to section 11 of this Bylaw, the City, by its employees or other persons, at reasonable times, may enter on the real property and effect the compliance specified in the notice at the expense of the person who failed to comply
- 12 2 If the person at whose expense the compliance is carried out under section 12 1, does not pay the costs incurred by the City to effect compliance on or before December 31st in the year that the compliance was effected, the costs will be added to and form part of the taxes payable on the real property as taxes in arrears

13 No Interference

No person shall interfere with

- (a) an Authorized Person in the performance of his or her duties under this Bylaw, or
- (b) any employee or other person directed by the City to carry out the terms of any notice pursuant to section 12 of this Bylaw

14 Offences

14.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done or omitted to be done in contravention of this Bylaw will be liable on summary conviction to a penalty not exceeding the maximum penalty specified in the Offence Act, R S B C. 1996, c 338 from time to time

14.2 For purposes of determining if a contravention or violation of or failure to perform any provision of this Bylaw has occurred, each day of such contravention, violation or failure will be deemed to be a separate offence.

READ A FIRST TIME this 01 day of **June** , 1998

READ A SECOND TIME this 01 day of **June** , 1998

READ A THIRD TIME this 01 day of **June** , 1998

RECONSIDERED AND FINALLY ADOPTED by Council for the City of Coquitlam this 20 day of July